



General Assembly

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Amendment

LCO No. 4111

HB0521004111HD0

Offered by:

REP. DAVIS, 50th Dist.

REP. FONTANA, 87th Dist.

To: House Bill No. 5210

File No. 290

Cal. No. 172

***"AN ACT CONCERNING REGIONAL WATER POLLUTION
CONTROL AUTHORITY JURISDICTION."***

1 After section 1, insert the following:

2 "Sec. 2. Section 1 of special act 77-98, as amended by section 5 of
3 special act 99-12, is amended to read as follows (*Effective from passage*):

4 It is found and declared as a matter of legislative determination that
5 the creation of the South Central Connecticut Regional Water
6 Authority for the primary purpose of providing and assuring the
7 provision of an adequate supply of pure water and the safe disposal of
8 wastewater at reasonable cost within the South Central Connecticut
9 Regional Water District and such other areas as may be served
10 pursuant to cooperative agreements and acquisitions authorized by
11 section 11 of special act 77-98, as amended by section 5 of special act
12 78-24 and section 3 of special act 84-46 and this act, and, to the degree
13 consistent with the foregoing, of advancing water conservation and the
14 conservation and compatible recreational use of land held by the

15 authority, and the carrying out of its powers, purposes, and duties
16 under sections 1 to 33, inclusive, of special act 77-98, as amended by
17 special act 78-24, special act 84-46 and sections 5 to 7, inclusive, of [this
18 act, are] special act 99-12 and this act, and for the benefit of the people
19 residing in the South Central Connecticut Regional Water District and
20 the State of Connecticut, and for the improvement of their health,
21 safety and welfare, that said purposes are public purposes, and that
22 the authority will be performing an essential governmental function in
23 the exercise of its powers under sections 1 to 33, inclusive, of special
24 act 77-98, as amended by special act 78-24, special act 84-46 and
25 sections 5 to 7, inclusive, of [this act] special act 99-12 and this act.

26 Sec. 3. Section 2 of special act 77-98, as amended by section 1 of
27 special act 78-24, is amended to read as follows (*Effective from passage*):

28 As used in sections 1 to 33, inclusive, of special act 77-98, as
29 amended by [this act] special act 78-24, unless a different meaning
30 appears in the context: "Authority" means the South Central
31 Connecticut Regional Water Authority created by section 5 of special
32 act 77-98, as amended by section 4 of special act 78-24 and this act;
33 "district" means the South Central Connecticut Regional Water District
34 created by section 3 of special act 77-98, as amended by section 2 of
35 special act 78-24; [; "representative policy board"] "Representative
36 policy board" means the representative policy board of the South
37 Central Connecticut Regional Water District created by section 4 of
38 special act 77-98, as amended by section 3 of special act 78-24; "chief
39 executive officer" means that full time employee of the authority
40 responsible for the execution of the policies of the authority and for the
41 direction of the other employees of the authority; "treasurer" means the
42 treasurer of the authority; "customer" means any person, firm,
43 corporation, company, association or governmental unit furnished
44 water or wastewater service by the authority or any owner of property
45 who guarantees payment for water or wastewater service to such
46 property; "properties" means the water supply and distribution system
47 or systems, wastewater collection and treatment systems and other real
48 or personal property of the authority; "bonds" means bonds, notes and

49 other obligations issued by the authority; "revenues" means all rents,
50 charges and other income derived from the operation of the properties
51 of the authority; "wastewater" means any substance, liquid or solid,
52 which may contaminate or pollute or affect the cleanliness or purity of
53 any water; "water supply system" means plants, structures and other
54 real and personal property acquired, constructed or operated for the
55 purpose of supplying water, including land, reservoirs, basins, dams,
56 canals, aqueducts, standpipes, conduits, pipelines, mains, pumping
57 stations, water distribution systems, compensating reservoirs,
58 waterworks or sources of water supply, wells, purification or filtration
59 plants or other plants and works, connections, rights of flowage or
60 diversion and other plants, structures, conveyances, real or personal
61 property or rights therein and appurtenances necessary or useful and
62 convenient for the accumulation, supply or distribution of water;
63 "wastewater system" means plants, structures and other real and
64 personal property acquired, constructed or operated for the purpose of
65 collecting, treating and discharging or reusing wastewater, whether or
66 not interconnected, including wastewater treatment plants, pipes and
67 conduits for collection of wastewater, pumping stations and other
68 plants, works, structures, conveyances, real or personal property or
69 rights therein and appurtenances necessary or useful and convenient
70 for the collection, transmission, treatment and disposition of
71 wastewater; "subsidiary corporation" means a corporation organized
72 under the general statutes or by special act which owns or operates all
73 or part of a water supply system or a wastewater system within the
74 district and all of the voting stock of which is owned by the authority.
75 A reference in sections 1 to 33, inclusive, of special act 77-98, as
76 amended by special act 78-24, and special act 84-46 to any general
77 statute, public act or special act shall include any amendment or
78 successor thereto.

79 Sec. 4. Section 3 of special act 77-98, as amended by section 2 of
80 special act 78-24 and section 1 of special act 84-46, is amended to read
81 as follows (*Effective from passage*):

82 There is created a district to be known as the "South Central

83 Connecticut Regional Water District" which embraces the area and
84 territory of the towns and cities of Ansonia, Beacon Falls, Bethany,
85 Branford, Cheshire, Derby, East Haven, Guilford, Hamden,
86 Killingworth, Madison, Milford, New Haven, North Branford, North
87 Haven, Orange, Oxford, Prospect, Seymour, West Haven and
88 Woodbridge; provided, in the event at any time after June 30, 1982, the
89 authority shall neither own land or properties nor sell water or provide
90 wastewater services directly to customers in any city or town within
91 the district, the area and territory of such city or town thereupon shall
92 be excluded from the district.

93 Sec. 5. Subsection (a) of section 4 of special act 77-98, as amended by
94 section 3 of special act 78-24 and section 2 of special act 84-46, is
95 amended to read as follows (*Effective from passage*):

96 (a) There shall be a representative policy board of the South Central
97 Connecticut Regional Water District which shall consist of one elector
98 from each city and town within the district who shall be appointed by
99 the chief elected official of such city or town, with the approval of its
100 legislative body, and one elector of the state who shall be appointed by
101 the governor. Members shall serve for a term of three years
102 commencing July 1, except that the members first appointed shall
103 serve terms commencing July 1, 1977, and such members appointed
104 from Bethany, East Haven, Killingworth, New Haven, Orange and
105 West Haven shall serve until June 30, 1978, such members appointed
106 from Branford, Guilford, Madison, North Branford, Prospect and
107 Woodbridge shall serve until June 30, 1979, such members appointed
108 from Cheshire, Hamden, Milford, North Haven and Wallingford shall
109 serve until June 30, 1980, and the member first appointed by the
110 governor shall serve for a term commencing upon appointment and
111 ending on the third June thirtieth thereafter; provided members shall
112 continue to serve until their successors are appointed and have
113 qualified. In the event of the resignation, death or disability of a
114 member from any city or town or the state, a successor may be
115 appointed by the chief elected official of such city or town, or in the
116 case of the member appointed by the governor, for the unexpired

117 portion of the term. The chief elected official of each such city or town
118 may appoint a provisional member to serve until December 1, 1977,
119 with full authority to act as a member until said date. Members and
120 provisional members shall receive [fifty] one hundred dollars for each
121 day in which they are engaged in their duties and shall be reimbursed
122 for their necessary expenses incurred in the performance of their
123 duties. They shall elect a chairman and a vice-chairman, who shall be
124 members or provisional members of the representative policy board,
125 and a secretary. The chairman shall receive a per diem payment of 1.5
126 times the amount paid to members and provisional members. The
127 representative policy board shall meet at least quarterly with the
128 authority and such members of the staff of the authority as the
129 representative policy board deems appropriate.

130 Sec. 6. Section 10 of special act 77-98 is amended to read as follows
131 (*Effective from passage*):

132 Whenever a public hearing is required under sections 1 to 33,
133 inclusive, of [this act] special act 77-98, as amended by special act 78-24
134 and this act, notice of such hearing shall be published by the
135 representative policy board at least twenty days before the date set
136 therefor, in a newspaper or newspapers having a general circulation in
137 each city and town comprising the district. Such notice shall set forth
138 the date, time and place of such hearing and shall include a description
139 of the matters to be considered at such hearing. A copy of the notice
140 shall be filed in the office of the clerk of each such city and town and
141 shall be available for inspection by the public. At such hearings, all the
142 users of the water supply system or the wastewater system, owners of
143 property served or to be served and other interested persons shall have
144 an opportunity to be heard concerning the matters under
145 consideration. When appropriate, the chairman of the representative
146 policy board may convene more than one hearing on any matter and
147 direct such hearings to be held in suitable locations within the district
148 so as to assure broader participation by the general public in
149 discussion of the matters under consideration, provided in the case of
150 the sale or transfer of real property pursuant to section 18 of special act

151 77-98, as amended by section 7 of special act 78-24 and this act, a public
152 hearing shall be held in the city or town in which such real property is
153 situated. Any decision of the representative policy board on matters
154 considered at such public hearing shall be in writing and shall be
155 published in a newspaper or newspapers having a general circulation
156 in each city and town comprising the district within thirty days after
157 such decision is made.

158 Sec. 7. Section 11 of special act 77-98, as amended by section 5 of
159 special act 78-24 and section 3 of special act 84-46, is amended to read
160 as follows (*Effective from passage*):

161 Subject to the provisions of sections 1 to 33, inclusive, of special act
162 77-98, as amended by special act 78-24, special act 84-46, sections 5 to 7,
163 inclusive, of special act 99-12, and this act, the authority shall have the
164 power: (a) To sue and be sued; (b) to have a seal and alter the same at
165 its pleasure; (c) to acquire in the name of the authority by purchase,
166 lease or otherwise and to hold and dispose of personal property or any
167 interest therein, including shares of stock of a subsidiary corporation;
168 (d) to acquire in the name of the authority by purchase, lease or
169 otherwise and to hold and dispose of any real property or interest
170 therein, including water rights and rights of way and water discharge
171 rights, which the authority determines to be necessary or convenient,
172 and to acquire any existing wastewater system or water supply system
173 or parts thereof which are wholly or partially within the district as
174 described under section [1 of this act] 3 of special act 78-24, as
175 amended by section 2 of special act 78-24, section 1 of special act 84-46
176 and this act. As a means of so acquiring, the authority or a subsidiary
177 corporation may purchase all of the stock or all or any part of the
178 assets and franchises of any existing privately owned water or
179 wastewater company, whereupon the authority or such subsidiary
180 corporation shall succeed to all rights, powers and franchises thereof.
181 Sections 16-43, 16-50c and 16-50d of the general statutes shall not apply
182 to any action by the authority or a subsidiary corporation or any action
183 by any privately owned water company or sewage company, as
184 defined in section 16-1 of the general statutes, taken to effectuate the

185 acquisition of the stock or all or any part of the assets and franchises of
186 such water company or sewage company by the authority, provided
187 section 16-43 shall apply to any action taken to effectuate the
188 acquisition of the stock or all or any part of the assets and franchises of
189 the Ansonia Derby Water Company by the authority.
190 Notwithstanding any provision of section 25-32 of the general statutes,
191 land may be transferred to the authority or a subsidiary corporation of
192 the authority as part of such an acquisition. The commissioner of
193 health services shall not grant a permit for a change in the use of any
194 class I or class II land owned by the Ansonia Derby Water Company
195 on the effective date of this section and not transferred to the authority
196 or a subsidiary corporation or a permit for the sale, lease or assignment
197 of any such class II land, unless (1) all provisions of section 25-32 are
198 complied with, and (2) the commissioner of health services determines,
199 after holding a hearing, notice of which shall be published not later
200 than thirty days before the hearing in one or more newspapers having
201 a substantial circulation in the municipalities in which the land is
202 located, that such change in the use or sale, lease, or assignment of the
203 land will not have a significant adverse impact upon present and
204 future water supply needs of the authority or a subsidiary corporation
205 of the authority; (e) to construct and develop any water supply system
206 or any wastewater system; (f) to own, operate, maintain, repair,
207 improve, construct, reconstruct, replace, enlarge and extend any of its
208 properties; (g) any provision in any general statute, special act or
209 charter to the contrary notwithstanding, but subject to the provisions
210 of section 12 of special act 77-98, as amended by this act, and section 28
211 of special act 77-98, as amended by section 9 of special act 78-24, to sell
212 water, however acquired, to customers within the district or to any
213 municipality or water company; (h) any provisions in any general
214 statute, special act or charter to the contrary notwithstanding, to
215 purchase water approved by the commissioner of health from any
216 person, private corporation or municipality when necessary or
217 convenient for the operation of any water supply system operated by
218 the authority; (i) to adopt and amend bylaws, rules and regulations for
219 the management and regulation of its affairs and for the use and

220 protection of the water and properties of the authority or a subsidiary
221 corporation and, subject to the provisions of any resolution
222 authorizing the issuance of bonds, rules for the sale of water, the
223 collection and processing of wastewater and the collection of rents and
224 charges [therefore] for both water supply and wastewater functions. A
225 copy of such bylaws, rules and regulations and all amendments
226 thereto, certified by the secretary of the authority, shall be filed in the
227 office of the secretary of the state and with the clerk of each town and
228 city within the district. Any superior court located within the district
229 shall have jurisdiction over any violation of such bylaws, rules or
230 regulations and the authority may prosecute actions before the
231 superior court to enforce such bylaws, rules and regulations; (j) to
232 make contracts and to execute all necessary or convenient instruments,
233 including evidences of indebtedness, negotiable or non-negotiable; (k)
234 to borrow money, to issue negotiable bonds or notes, to fund and
235 refund the same and to provide for the rights of the holders of the
236 authority's obligations; (l) to open the grounds in any public street or
237 way or public grounds for the purpose of laying, installing,
238 maintaining or replacing pipes and conduits, provided upon the
239 completion of such work the grounds shall be restored to the condition
240 they were in previously; (m) to enter into cooperative agreements with
241 other water authorities, municipalities, water districts, [or] water
242 companies or water pollution control authorities within or without the
243 district for interconnection of facilities, for exchange or interchange of
244 services and commodities or for any other lawful purpose necessary or
245 desirable to effect the purposes of sections 1 to 33, inclusive, of special
246 act 77-98, as amended by special act 78-24, special act 84-46 and
247 sections 5 to 7, inclusive, of special act 99-12, such agreements to be
248 binding for a period specified therein; (n) to acquire, hold, develop and
249 maintain land and other real estate and waters for conservation and for
250 compatible active and passive recreational purposes and to levy
251 charges for such uses, provided the state department of health finds
252 that such uses will not harm the quality of water provided by the
253 authority; (o) to apply for and accept grants, loans or contributions
254 from the United States, the state of Connecticut or any agency,

instrumentality or subdivision of either of them or from any person, and to expend the proceeds for any of its purposes; (p) to create programs and policies for the purpose of conserving water; (q) to do any and all things necessary or convenient to carry out the powers expressly given in sections 1 to 33, inclusive, of special act 77-98, as amended by special act 78-24, special act 84-76, and sections 5 to 7, inclusive, of special act 99-12 and this act, including the powers granted by the general statutes to stock corporations, except the power to issue stock, and the powers granted by the general statutes to water pollution control authorities.

Sec. 8. Section 12 of special act 77-98 is amended to read as follows
(*Effective from passage*):

The authority shall not sell water to customers in any part of the district with respect to which any person, any firm or any corporation incorporated under the general statutes or any special act has been granted a franchise to operate as a water company, as defined in section 16-1 of the general statutes, or in which any town, city or borough or any district organized for municipal purposes operates a municipal water supply system, unless the legislative body of such town, city, borough or district, such person, or the governing board of such firm or corporation shall consent in writing to such sale by the authority. The authority shall not extend wastewater services into new areas previously unserved without the approval of either the legislative body of the town, city, borough or district in which such area is located or a duly authorized water pollution control authority. Notwithstanding the provisions of any town or district charter, any town or district may sell or transfer a wastewater system to the authority with the approval of the legislative body of such town or district after a public hearing.

Sec. 9. Subsection (a) of section 13 of special act 77-98 is amended to read as follows (*Effective from passage*):

(a) Except with respect to (1) any real or personal property or

287 interest therein, the legal title to which is vested in the state or a
288 political subdivision thereof, [or with respect to] (2) any existing water
289 supply system, or (3) any existing wastewater system, if such authority
290 cannot agree with any owner upon the terms of acquisition by the
291 authority of any real or personal property or interest therein which the
292 authority is authorized to acquire, the authority may proceed, at its
293 election, in the manner provided in subsection (b) or in the manner
294 provided in subsection (c) of this section.

295 Sec. 10. Section 14 of special act 77-98, as amended by section 6 of
296 special act 78-24 and section 6 of special act 99-12, is amended to read
297 as follows (*Effective from passage*):

298 With the approval of the representative policy board, the authority
299 shall establish just and equitable rates or charges for the use of the
300 water supply system and the wastewater system authorized herein, to
301 be paid by any customer, and may change such rates or charges from
302 time to time. Such water supply system rates or charges shall be
303 established so as to provide funds sufficient in each year, with other
304 water supply related revenues, if any, (a) to pay the cost of
305 maintaining, repairing and operating the water supply system and
306 each and every portion thereof, to the extent that adequate provision
307 for the payment of such cost has not otherwise been made, (b) to pay
308 the principal of and the interest on outstanding water supply bonds of
309 the authority as the same shall become due and payable, (c) to meet
310 any requirements of any resolution authorizing, or trust agreement
311 securing, such bonds of the authority, (d) to make payments in lieu of
312 taxes as provided in section 21 of special act 77-98, as amended by
313 section 8 of special act 78-24 and this act, as the same become due and
314 payable, upon the water supply system properties of the authority or
315 of a subsidiary corporation to the municipalities in which such
316 properties are situated, (e) to provide for the maintenance,
317 conservation and appropriate recreational use of the land of the
318 authority, and (f) to pay all other reasonable and necessary expenses of
319 the authority and of the representative policy board to the extent that
320 such expenses are allocable to the water supply system activities of the

321 authority and the representative policy board. Such wastewater system
322 rates or charges shall be established so as to provide funds sufficient in
323 each year with other wastewater related revenues, if any, (1) to pay the
324 cost of maintaining, repairing and operating the wastewater system
325 and each and every portion thereof, to the extent that adequate
326 provision for the payment of such cost has not otherwise been made,
327 (2) to pay the principal of and the interest on outstanding wastewater
328 bonds of the authority as the same shall become due and payable, (3)
329 to meet any requirements of any resolution authorizing, or trust
330 agreement securing, such bonds of the authority, (4) to pay all other
331 reasonable and necessary expenses of the authority and of the
332 representative policy board to the extent that such expenses are
333 allocable to the wastewater activities of the authority and of the
334 representative policy board. No such rate or charge shall be
335 established until it has been approved by the representative policy
336 board, after said board has held a public hearing at which all the users
337 of the waterworks system or the wastewater system, the owners of
338 property served or to be served and others interested have had an
339 opportunity to be heard concerning such proposed rate or charge. The
340 representative policy board shall approve such rates and charges
341 unless it finds that such rates and charges will provide funds in excess
342 of the amounts required for the purposes described previously in this
343 section, or unless it finds that such rates and charges will provide
344 funds insufficient for such purposes. The rates or charges so
345 established for any class of users or property served shall be extended
346 to cover any additional premises thereafter served which are within
347 the same class, without the necessity of a hearing thereon. Any change
348 in such rates or charges shall be made in the same manner in which
349 they were established. The rates or charges levied upon any customer
350 of any water supply system acquired pursuant to subsection (d) of
351 section 11 of special act 77-98, as amended by section 5 of special act
352 78-24, [and] section 3 of special act 84-46 and this act or served
353 pursuant to a cooperative agreement pursuant to subsection (m) of
354 said section 11 shall not be required to be equalized with the
355 authority's existing rates, but may be set on a separate basis, provided

such rates are just, equitable and nondiscriminatory. Such rates or charges, if not paid when due, shall constitute a lien upon the premises served and a charge against the owners thereof, which lien and charge shall bear interest at the same rate as would unpaid taxes. Such lien shall take precedence over all other liens or encumbrances except taxes and may be foreclosed against the lot or building served in the same manner as a lien for taxes, provided all such liens shall continue until such time as they shall be discharged or foreclosed by the authority without the necessity of filing certificates of continuation, but in no event for longer than ten years. The amount of any such rate or charge which remains due and unpaid for thirty days may, with interest thereon at the same rate as unpaid taxes and with reasonable attorneys' fees, be recovered by the authority in a civil action in the name of the authority against such owners. Any municipality shall be subject to the same rate or charges under the same conditions as other users of [such] the water supply system or the wastewater system. The assets or the revenues of the water system shall not be available to satisfy debts, judgments or other obligations arising out of the operation of the wastewater system and the assets or the revenues of the wastewater system shall not be available to satisfy debts, judgments or other obligations arising out of the operation of the water system.

Sec. 11. Subsection (a) of section 15 of special act 77-98, as amended by section 7 of special act 99-12, is amended to read as follows (*Effective from passage*):

(a) The representative policy board shall establish an office of consumer affairs to act as the advocate for consumer interests in all matters which may affect consumers, including without limitation matters of rates, water quality and supply and wastewater service quality. The costs of such office of consumer affairs, unless otherwise provided by the state, shall be paid by the authority.

Sec. 12. Section 16 of special act 77-98 is amended to read as follows (*Effective from passage*):

389 All contracts in excess of [five] fifty thousand dollars for any
390 supplies, materials, equipment, construction work or other contractual
391 services shall be in writing and shall be awarded upon sealed bids or
392 proposals made in compliance with a public notice duly advertised by
393 publication at least ten days before the time fixed for opening said bids
394 or proposals, except for contracts for professional services, when the
395 supplies, materials, equipment or work can only be furnished by a
396 single party or when the authority determines by a two-thirds vote of
397 the entire authority that the award of such contract by negotiation
398 without public bidding will be in the best interest of the authority. The
399 authority may in its sole discretion reject all such bids or proposals or
400 any bids received from a person, firm or corporation the authority
401 finds to be unqualified to perform the contract, and shall award such
402 contract to the lowest responsible bidder qualified to perform the
403 contract.

404 Sec. 13. Subsection (b) of section 17 of special act 77-98 is amended
405 to read as follows (*Effective from passage*):

406 (b) No member or employee of the representative policy board or of
407 the authority shall accept or receive, directly or indirectly, from any
408 person, firm or corporation to which any contract or purchase order
409 may be awarded, by rebate, gift or otherwise, any [money, or any thing
410 of value or any] promise, obligation or contract for future reward or
411 compensation or any money or any thing of value in excess of ten
412 dollars, provided the aggregate value of all such things provided by a
413 donor to a recipient in any calendar year shall not exceed fifty dollars
414 and, excluding any food or beverage or food and beverage, costing less
415 than fifty dollars in the aggregate per recipient in a calendar year, and
416 consumed on an occasion or occasions at which the person paying,
417 directly or indirectly, for the food or beverage, or his representative, is
418 in attendance. Any person who violates any provision of this
419 subsection shall be fined not more than five hundred dollars or
420 imprisoned for not more than six months or both.

421 Sec. 14. Section 18 of special act 77-98, as amended by section 7 of

422 special act 78-24, is amended to read as follows (*Effective from passage*):

423 (a) Notwithstanding any other provision of sections 1 to 33,
424 inclusive, of [this act] special act 77-98, as amended by special act 78-
425 24, and this act, the authority shall not sell or otherwise transfer any
426 unimproved real property or any interest or right therein, except for
427 access or utility purposes, or develop such property for any use not
428 directly related to a water supply function, other than for public
429 recreational use not prohibited by section 25-43c of the general
430 statutes, until the land use standards and disposition policies required
431 by subsection (b) of this section have been approved by the
432 representative policy board, unless the chief executive officer of the
433 town or city in which such property is located has approved such sale,
434 transfer or development in writing. The provisions of this section shall
435 not apply to any portion of a wastewater system.

436 (b) Within two years from the date it acquires all or part of a water
437 supply system, the authority shall develop and submit to the
438 representative policy board for approval (1) standards for determining
439 the suitability of its real property for categories of land use, including
440 which, if any, of its real property may be surplus with regard to the
441 purity and adequacy of both present and future water supply, which,
442 if any, may be desirable for specified modes of recreation or open
443 space use and which may be suitable for other uses, giving due
444 consideration to the state plan of conservation and development, to
445 classification and performance standards recommended in the final
446 report of the council on water company lands pursuant to subsection
447 (c) of section 16-49c of the general statutes and to such other plans and
448 standards as may be appropriate, and (2) policies regarding the
449 disposition of its real property including identification of dispositions
450 which are unlikely to have any significant effect on the environment.
451 Prior to approving any standards or policies specified in this
452 subsection, the representative policy board shall hold one or more
453 public hearings to consider the proposed standards and policies. The
454 proposed standards and policies shall be available for public
455 inspection in the offices of the authority from the date notice of such

456 hearing is published. The authority may amend such standards and
457 policies from time to time with the approval of the representative
458 policy board, which shall hold public hearings if it deems such
459 amendments substantial.

460 (c) After approval of land use standards and disposition policies in
461 the manner provided in subsection (b) of this section, the authority
462 shall not sell or otherwise transfer any real property or any interest or
463 right therein, except for access or utility purposes, or develop such
464 property for any use not directly related to a water supply function,
465 other than for public recreational use not prohibited by section 25-43c
466 of the general statutes, without the approval of a majority of the
467 weighted votes of all of the members of the representative policy board
468 in the case of a parcel of twenty acres or less, and by three-fourths of
469 the weighted votes of all of the members of said board in the case of a
470 parcel in excess of twenty acres. The representative policy board shall
471 not approve such sale or other transfer unless it determines, following
472 a public hearing, that the proposed action (1) conforms to the
473 established standards and policies of the authority, (2) is not likely to
474 affect the environment adversely, particularly with respect to the
475 purity and adequacy of both present and future water supply, and (3)
476 is in the public interest, giving due consideration, among other factors,
477 to the financial impact of the proposed action on the customers of the
478 authority and on the municipality in which the real property is located.

479 (d) Each request by the authority for approval pursuant to
480 subsection (c) shall be accompanied by an evaluation of the potential
481 impact of the proposed action for which approval is requested, which
482 shall include: (1) A description of the real property and its
483 environment, including its existing watershed function and the costs to
484 the authority of maintaining such property in its current use; (2) a
485 statement that the proposed action conforms to the land classification
486 standards and disposition policies of the authority; (3) a detailed
487 statement of the environmental impact of the proposed action and, if
488 appropriate, of any alternatives to the proposed action, considering (A)
489 direct and indirect effects upon the purity and adequacy of both

490 present and future water supply, (B) the relationship of the proposed
491 action to existing land use plans, including municipal and regional
492 land use plans and the state plan of conservation and development, (C)
493 any adverse environmental effects which cannot be avoided if the
494 proposed action is implemented, (D) any irreversible and irretrievable
495 commitments of resources which would be involved should the
496 proposed action be implemented, and (E) any mitigation measures
497 proposed to minimize adverse environmental impacts; except that for
498 a sale or transfer identified in accordance with subsection (b) as being
499 unlikely to have any significant effect on the environment, the
500 authority may submit a preliminary assessment of the impact likely to
501 occur in lieu of such detailed statement of environmental impact, and
502 the representative policy board may, on the basis of such preliminary
503 assessment, waive or modify the requirements for such detailed
504 statement; and (4) a summary of the final evaluation and
505 recommendation of the authority.

506 (e) The representative policy board shall submit the evaluation
507 required by subsection (d) of this section for comment and review, at
508 least sixty days in advance of the public hearing, to the department of
509 health, the department of planning and energy policy, the regional
510 planning agency for the region, the chief executive officer of the city or
511 town in which that real property is situated and other appropriate
512 agencies, and shall make such evaluation available to the public for
513 inspection. The decision of the representative policy board approving
514 or disapproving the proposed action shall be published in a
515 newspaper or newspapers having a general circulation within the
516 district and copies of such decision shall be filed with the clerk of each
517 town and city in the district.

518 (f) Whenever the authority intends to sell or otherwise transfer any
519 unimproved real property or any interest or right therein after
520 approval by the representative policy board, the authority shall first
521 notify in writing, by certified mail, return receipt requested, the
522 commissioner of environmental protection and the legislative body of
523 the city or town in which such land is situated, of such intention to sell

524 or otherwise transfer such property and the terms of such sale or other
525 transfer, and no agreement to sell or otherwise transfer such property
526 may be entered into by the authority except as provided in this
527 subsection. (1) Within ninety days after such notice has been given, the
528 legislative body of the city or town or the commissioner of
529 environmental protection may give written notice to the authority by
530 certified mail, return receipt requested, of the desire of the city, town
531 or state to acquire such property and each shall have the right to
532 acquire the interest in the property which the authority has declared its
533 intent to sell or otherwise transfer, provided the state's right to acquire
534 the property shall be secondary to that of the city or town. (2) If the
535 legislative body of the city or town or the commissioner of
536 environmental protection fails to give notice as provided in
537 subdivision (1) or gives notice to the authority by certified mail, return
538 receipt requested, that the city, town or state does not desire to acquire
539 such property, the city or town or the state shall have waived its right
540 to acquire such property in accordance with the terms of this
541 subsection. (3) Within eighteen months after notice has been given as
542 provided in subdivision (1) by the city or town or the state of its desire
543 to acquire such property, the authority shall sell the property to the
544 city or town or the state, as the case may be, or, if the parties cannot
545 agree upon the amount to be paid therefor, the city or town or the state
546 may proceed to acquire the property in the manner specified for
547 redevelopment agencies in accordance with sections 8-128 to 8-133,
548 inclusive, of the general statutes, provided property subject to the
549 provisions of subsections (b) and (c) of section 25-32 of the general
550 statutes shall not be sold without the approval of the department of
551 health. (4) If the city or town or the state fails to acquire the property or
552 to proceed as provided in said sections within eighteen months after
553 notice has been given by the city or town or the state of its desire to
554 acquire the property, such city or town or the state shall have waived
555 its rights to acquire such property in accordance with the terms of this
556 subsection. (5) Notwithstanding the provisions of section 21 of [this
557 act] special act 77-98, as amended by section 8 of special act 78-24 and
558 this act, the authority shall not be obligated to make payments in lieu

559 of taxes on such property for the period from the date the city or town
560 gives notice of its desire to acquire such property to the date it either
561 acquires or waives its right to acquire such property. (6)
562 Notwithstanding the provisions of subdivision (4) if the authority
563 thereafter proposes to sell or otherwise transfer such property to any
564 person subject to less restrictions on use for a price less than that
565 offered by the authority to the city or town and the state, the authority
566 shall first notify the city or town and the commissioner of
567 environmental protection of such proposal in the manner provided in
568 subdivision (1), and such city or town and the state shall again have
569 the option to acquire such property and may proceed to acquire such
570 property in the same manner and within the same time limitations as
571 are provided in subdivisions (1) to (4), inclusive, of this subsection. (7)
572 The provisions of this subsection shall not apply to transfers of real
573 property from the authority to any public service company. (8) A copy
574 of each notice required by this subsection shall be sent by the party
575 giving such notice to the clerk of the town or city in which the real
576 property is situated and such clerk shall make all such notices part of
577 the appropriate land records.

578 (g) Nothing contained in this section shall be construed to deprive
579 the state department of health of its jurisdiction under section 25-32 of
580 the general statutes. The authority shall notify the state commissioner
581 of health of any proposed sale or other transfer of land, or change of
582 use as required by said section.

583 (h) The authority shall use the proceeds of any sale or transfer under
584 this section solely for capital improvements to its remaining properties,
585 acquisition of real property or any interest or right therein, retirement
586 of debt or any combination of such purposes.

587 (i) The provisions of this section shall apply to any unimproved real
588 property or any interest or right therein related to the water supply
589 system whether owned or possessed by the authority or by any
590 subsidiary corporation.

591 Sec. 15. Section 19 of special act 77-98 is amended to read as follows
592 (*Effective from passage*):

593 The authority shall not acquire, by purchase, lease or otherwise, any
594 existing water supply system or parts thereof, any wastewater system
595 or parts thereof or commence any project costing more than [three]
596 two million dollars to repair, improve, construct, reconstruct, enlarge
597 and extend any of its properties or systems without the approval,
598 following a public hearing, of a majority of the total weighted votes of
599 the membership of the representative policy board. In the case of the
600 first acquisition by the authority of an existing water supply system or
601 part thereof, after such approval by the representative policy board the
602 authority shall file with the town clerk of each city and town in the
603 district its plan for such acquisition. The legislative body of each such
604 city and town shall approve or disapprove such acquisition plan
605 within sixty days after such filing, provided failure to disapprove
606 within such sixty days shall be deemed approval of such acquisition
607 plan. The authority shall not first acquire an existing water supply
608 system or part thereof except in accordance with an acquisition plan
609 approved by at least sixty per cent of such legislative bodies.

610 Sec. 16. Subsection (a) of section 21 of special act 77-98, as amended
611 by section 8 of special act 78-24, is amended to read as follows (*Effective*
612 *from passage*):

613 (a) Neither the authority nor a subsidiary corporation shall be
614 required to pay taxes or assessments upon any of the properties
615 acquired by it or under its jurisdiction, control or supervision,
616 provided in lieu of such taxes or assessments the authority shall make
617 annual payments to each municipality in which it or a subsidiary
618 corporation owns property related to the water supply system equal
619 to the taxes which would otherwise be due for the property of the
620 authority or such subsidiary corporation in such municipality,
621 excluding any improvements made to or constructed on any such real
622 property by the authority or such subsidiary corporation, provided
623 land owned by the authority or a subsidiary corporation related to the

624 water supply system shall be assessed in accordance with section 12-63
625 of the general statutes, and provided further payments for property
626 acquired by the authority or a subsidiary corporation during any tax
627 year shall be adjusted for such fractional year in accordance with the
628 customary practice in such municipality for adjusting taxes between
629 the buyer and seller of real property. In addition, the authority or a
630 subsidiary corporation shall reimburse each such municipality for its
631 expenses in providing municipal services to any improvements made
632 to or constructed on any real property by the authority or such
633 subsidiary corporation within such municipality. As used in this
634 section, "improvements" does not include water pipes or
635 improvements to water pipes.

636 Sec. 17. Section 22 of special act 77-98 is amended to read as follows
637 (*Effective from passage*):

638 (a) The authority, subject to the approval of the representative
639 policy board, shall have the power and is authorized from time to time
640 to issue its negotiable bonds for any of its corporate purposes,
641 including incidental expenses in connection therewith, and to secure
642 the payment of the same by a lien or pledge covering all or part of its
643 contracts, earnings or revenues. The authority shall have power from
644 time to time, whenever it deems refunding expedient, to refund any
645 bonds by the issuance of new bonds within the terms of any refunding
646 provisions of its bonds, whether the bonds to be refunded have or
647 have not matured, and may issue bonds partly to refund bonds then
648 outstanding and partly for any of its public purposes. Except as may
649 be otherwise expressly provided by the authority, every issue of bonds
650 by the authority shall be preferred obligations, taking priority over all
651 other claims against the authority, including payments in lieu of taxes
652 to any municipality, and payable out of any moneys, earnings or
653 revenues of the authority, subject only to any agreements with the
654 holders of particular bonds pledging any particular moneys, earnings
655 or revenues. Notwithstanding the fact that the bonds may be payable
656 from a special fund, if they are otherwise of such form and character as
657 to be negotiable instruments under the terms of the uniform

658 commercial code, the bonds shall be negotiable instruments within the
659 meaning of and for all the purposes of the uniform commercial code,
660 subject only to the provisions of the bonds for registration.

661 (b) The bonds shall be authorized by resolution of the authority and
662 shall bear such date or dates, mature at such time or times, not
663 exceeding forty years from their respective dates, bear interest at such
664 rates per annum, not exceeding statutory limitations, be payable at
665 such times, be in such denomination, be in such form, either coupon or
666 registered, carry such registration privileges, be executed in such
667 manner, be payable in lawful money of the United States of America,
668 at such place or places, and be subject to such terms of redemption as
669 such resolution or resolutions may provide. All bonds of the authority
670 shall be sold through a negotiated sale or a public sale [upon sealed
671 bids] to the bidder who shall offer the lowest [~~net interest~~] true interest
672 cost to the authority, to be determined by the authority. [The notice of
673 sale shall be published at least once, not less than ten nor more than
674 forty days before the date of sale, in a financial newspaper circulated in
675 the state of Connecticut and the city of New York and designated by
676 the authority. The notice shall call for the receipt of sealed bids and
677 shall fix the date, time and place of sale.]

678 (c) Any resolution or resolutions authorizing any bonds or any issue
679 of bonds may contain provisions which shall be a part of the contract
680 with the holders of the bonds thereby authorized as to (1) pledging all
681 or any part of the moneys, earnings, income and revenues derived
682 from all or any part of the properties of the authority to secure the
683 payment of the bonds or of any issue of the bonds subject to such
684 agreement with the bondholders as may then exist; (2) the rates,
685 rentals, fees and other charges to be fixed and collected and the
686 amounts to be raised in each year thereby, and the use and disposition
687 of the earnings and other revenues; (3) the setting aside of reserves and
688 the creation of sinking funds and the regulation and disposition
689 thereof; (4) limitations on the rights of the authority to restrict and
690 regulate the use of the properties in connection with which such bonds
691 are issued; (5) limitations on the purposes to which, and the manner in

692 which, the proceeds of sale of any issue of bonds may be applied; (6)
693 limitations on the issuance of additional bonds, the terms upon which
694 additional bonds may be issued and secured, and the refunding of
695 outstanding or other bonds; (7) the procedure, if any, by which the
696 terms of any contract with bondholders may be amended or
697 abrogated, the amount of bonds the holders of which must consent
698 thereto and the manner in which such consent may be given; (8) the
699 creation of special funds into which any earnings or revenues of the
700 authority may be deposited; (9) the terms and provisions of any trust
701 deed or indenture securing the bonds or under which bonds may be
702 issued; (10) definitions of the acts or omission to act which shall
703 constitute a default in the obligations and duties of the authority to the
704 bondholders and providing the rights and remedies of the
705 bondholders in the event of such default, including as a matter of right
706 the appointment of a receiver, provided such rights and remedies shall
707 not be inconsistent with the general laws of this state; (11) limitations
708 on the power of the authority to sell or otherwise dispose of its
709 properties; (12) any other matters, of like or different character, which
710 in any way affect the security or protection of the bonds; and (13)
711 limitations on the amount of moneys derived from the properties to be
712 expended for operating, administrative or other expenses of the
713 authority.

714 (d) The authority may obtain from a commercial bank or insurance
715 company a letter of credit, line of credit or other liquidity facility or
716 credit facility for the purpose of providing funds for the payments in
717 respect of bonds, notes or other obligations required by the holder
718 thereof to be redeemed or repurchased prior to maturity or for
719 providing additional security for such bonds, notes or other
720 obligations. In connection therewith, the authority may enter into
721 reimbursement agreements, remarketing agreements, standby bond
722 purchase agreements and any other necessary or appropriate
723 agreements. The authority may pledge all or any part of the moneys,
724 earnings, income and revenues derived from all or any part of the
725 properties of the authority and any other property which may be

726 pledged to bondholders to secure its payment obligations under any
727 agreement or contract entered into pursuant to this section subject to
728 such agreements with the bondholders as may then exist.

729 (e) In connection with or incidental to the carrying of bonds or notes
730 or in connection with or incidental to the sale and issuance of bonds or
731 notes, the authority may enter into such contracts to place the
732 obligation of the authority, as represented by the bonds or notes, in
733 whole or in part, on such interest rate or cash flow basis as the
734 authority may determine, including without limitation, interest rate
735 swap agreements, insurance agreements, forward payment conversion
736 agreements, contracts providing for payments based on levels of, or
737 changes in, interest rates or market indices, contracts to manage
738 interest rate risk, including, without limitation, interest rate floors or
739 caps, options, puts, calls and similar arrangements. Such contracts
740 shall contain such payment, security, default, remedy and other terms
741 and conditions as the authority may deem appropriate and shall be
742 entered into with such party or parties as the authority may select,
743 after giving due consideration, where applicable, for the
744 creditworthiness of the counter party or counter parties, provided such
745 parties or counter parties shall be a financial institution whose
746 unsecured long-term obligations are rated within the top two rating
747 categories of any nationally recognized rating service. The authority
748 may pledge all or any part of the moneys, earnings, income and
749 revenues derived from all or any part of the properties of the authority
750 and any other property which may be pledged to bondholders to
751 secure its payment obligations under any agreement or contract
752 entered into pursuant to this section subject to such agreements with
753 the bondholders as may then exist.

754 [(d)] (f) It is the intention of the general assembly that any pledge of
755 earnings, revenues or other moneys made by the authority shall be
756 valid and binding from the time when the pledge is made; that the
757 earnings, revenues or other moneys so pledged and thereafter received
758 by the authority shall immediately be subject to the lien of such pledge
759 without any physical delivery thereof or further act, and that the lien

760 of any such pledge shall be valid and binding as against all parties
761 having claims of any kind in tort, contract or otherwise against the
762 authority irrespective of whether such parties have notice thereof.
763 Neither the resolution nor any other instrument by which a pledge is
764 created need be recorded.

765 ~~[(e)]~~ (g) Neither the members of the authority nor any person
766 executing the bonds shall be liable personally on the bonds or be
767 subject to any personal liability or accountability by reason of the
768 issuance thereof.

769 ~~[(f)]~~ (h) The authority shall have the power out of any funds
770 available to purchase, as distinguished from the power of redemption
771 above provided, any bonds issued by it at a price of not more than the
772 principal amount thereof and accrued interest, and all bonds so
773 purchased shall be cancelled.

774 ~~[(g)]~~ (i) In the discretion of the authority, the bonds may be secured
775 by a trust indenture by and between the authority and a corporate
776 trustee, which may be any trust company or bank having the powers
777 of a trust company. Such trust indenture may contain such provisions
778 for protecting and enforcing the rights and remedies of the
779 bondholders as may be reasonable and proper and not in violation of
780 any law, including covenants setting forth the duties of the authority
781 in relation to the construction, maintenance, operation, repair and
782 insurance of the properties and the custody, safeguarding and
783 application of all moneys, and may provide that the properties shall be
784 constructed and paid for under the supervision and approval of
785 consulting engineers. The authority may provide by such trust
786 indenture or other depository for the methods of disbursement thereof,
787 with such safeguards and restrictions as it may determine. All
788 expenses incurred in carrying out such trust indenture may be treated
789 as part of the cost of maintenance, operation and repair of the
790 properties. If the bonds are secured by a trust indenture, bondholders
791 shall have no authority to appoint a separate trustee to represent them.

792 [(h)] (j) Notwithstanding any other provision of sections 1 to 33,
793 inclusive, of [this act] special act 77-98, as amended by special act 78-
794 24, special act 84-46 and this act, any resolution or resolutions
795 authorizing bonds or notes of the authority shall contain a covenant by
796 the authority that it will at all times maintain rates, fees, rentals or
797 other charges sufficient to pay, and that any contracts entered into by
798 the authority for the sale and distribution of water or the collection of
799 wastewater shall contain rates, fees, rentals or other charges sufficient
800 to pay, the cost of operation and maintenance of the properties and the
801 principal of and interest on any obligation issued pursuant to such
802 resolution or resolutions as the same severally become due and
803 payable, and to maintain any reserves or other funds required by the
804 terms of such resolution or resolutions.

805 [(i)] (k) If any officer of the authority whose signature or a facsimile
806 of whose signature appears on any bonds or coupons ceases to be such
807 officer before delivery of such bonds, such signature or such facsimile
808 shall nevertheless be valid and sufficient for all purposes as if he had
809 remained in office until such delivery.

810 Sec. 18. Section 23 of special act 77-98 is amended to read as follows
811 (*Effective from passage*):

812 The authority shall have the power and is authorized to issue
813 negotiable [bond anticipation] notes and may renew the same from
814 time to time, but the maximum maturity of any such note, including
815 renewals thereof, shall not exceed five years from date of issue of such
816 original note. Such notes shall be paid from any moneys of the
817 authority available therefor and not otherwise pledged or from the
818 proceeds of the sale of the bonds of the authority in anticipation of
819 which they were issued. The notes shall be issued and may be secured
820 in the same manner as the bonds and such notes and the resolution or
821 resolutions authorizing such notes may contain any provisions,
822 conditions or limitations which the bonds or a bond resolution of the
823 authority may contain. Such notes shall be as fully negotiable as the
824 bonds of the authority.

825 Sec. 19. Section 29 of special act 77-98 is amended to read as follows
826 (*Effective from passage*):

827 Insofar as the provisions of sections 1 to 33, inclusive, of [this act]
828 special act 77-98, as amended by special act 78-24 and this act, are
829 inconsistent with the provisions of any other general or special act or
830 any municipal ordinance, the provisions of sections 1 to 33, inclusive,
831 of [this act] special act 77-98, as amended by special act 78-24 and this
832 act, shall be controlling; provided nothing contained in sections 1 to 33,
833 inclusive, of [this act] special act 77-98, as amended by special act 78-
834 24, special act 84-46 and this act, shall exempt the authority from
835 compliance with zoning regulations lawfully established by any
836 municipality, except that the plants, structures and other facilities of
837 the water supply system or the wastewater system owned or operated
838 by the authority shall be permitted uses in all zoning districts in every
839 city, town or borough within the district; and provided further that the
840 authority may not construct purification or filtration plants or
841 wastewater treatment plants in any zoning district in which such use is
842 not permitted under local zoning regulations without first obtaining
843 approval of the proposed location of such facility from the
844 representative policy board following a public hearing.

845 Sec. 20. Section 30 of special act 77-98, as amended by section 10 of
846 special act 78-24, is amended to read as follows (*Effective from passage*):

847 (a) The authority or any person who is aggrieved by a decision of
848 the representative policy board with respect to the establishment of
849 rates or charges, the establishment of land use standards and
850 disposition policies, the sale or other transfer or change of use of real
851 property, the location of purification, [or] filtration or wastewater
852 treatment plants, the commencement of any project costing more than
853 [one] two million dollars to repair, improve, construct, reconstruct,
854 enlarge or extend any of the properties or systems of the authority or
855 the acquisition by purchase, lease or otherwise of any existing water
856 supply system, wastewater system or part thereof, other than the
857 purchase of all or any part of the properties and franchises of the New

858 Haven Water Company, is entitled to [judicial] review [under] by the
859 Superior Court as provided in this section. For the purposes of this
860 section the holders of any bonds or notes of the authority and any
861 trustee acting on behalf of such holders shall be deemed aggrieved
862 persons with respect to any decision of the representative policy board
863 which violates any covenant or other provision of the resolution or
864 resolutions authorizing such bonds or notes.

865 (b) Proceedings for review shall be instituted by filing a petition in
866 the [court of common pleas] Superior Court for the judicial district of
867 New Haven [County] within [thirty] forty-five days after publication
868 of the decision of the representative policy board or, if a rehearing is
869 requested, within [thirty] forty-five days after the decision thereon.
870 Copies of the petition shall be served upon the representative policy
871 board and published in a newspaper or newspapers having a general
872 circulation in each town or city comprising the district.

873 (c) The filing of the petition shall not of itself stay enforcement of the
874 decision of the representative policy board. The representative policy
875 board may grant, or the reviewing court may order, a stay upon
876 appropriate terms, provided enforcement of a decision respecting the
877 establishment of rates or charges may be stayed only after issuance of a
878 judgment for the appellant by the reviewing court.

879 (d) Within thirty days after service of the petition, or within such
880 further time as may be allowed by the court, the representative policy
881 board shall transmit to the reviewing court the original or a certified
882 copy of the entire record of the proceeding under review, which shall
883 include the representative policy board's findings of fact and
884 conclusions of law, separately stated. By stipulation of all parties to the
885 review proceedings, the record may be shortened. A party
886 unreasonably refusing to stipulate to limit the record may be taxed by
887 the court for the additional costs. The court may require or permit
888 subsequent corrections or additions to the record.

889 (e) If, before the date set for hearing, application is made to the court

890 for leave to present additional evidence, and it is shown to the
891 satisfaction of the court that the additional evidence is material and
892 that there were good reasons for failure to present it in the proceeding
893 before the representative policy board, the court may refer the case
894 back to the board with instructions to take such evidence as the court
895 directs. The representative policy board may modify its findings and
896 decision by reason of the additional evidence and shall file that
897 evidence and any modifications, new findings, or decisions with the
898 reviewing court.

899 (f) The review shall be conducted by the court without a jury and
900 shall be confined to the record. In cases of alleged irregularities in
901 procedure before the representative policy board, not shown in the
902 record, proof thereon may be taken in the court. The court, upon
903 request, shall hear oral argument and receive written briefs.

904 (g) The court shall not substitute its judgment for that of the
905 representative policy board as to the weight of the evidence on
906 questions of fact. The court [may] shall affirm the decision of the
907 representative policy board [or remand the case for further
908 proceedings. The court may reverse or modify the decision if] unless
909 the court finds that the substantial rights of the appellant have been
910 prejudiced because the representative policy board's findings,
911 inferences, conclusions, or decisions are: (1) In violation of
912 constitutional provisions, the general statutes or the provisions of this
913 or another special act; (2) in excess of the authority of the
914 representative policy board; (3) made upon unlawful procedure; (4)
915 affected by other error of law; (5) clearly erroneous in view of the
916 reliable probative, and substantial evidence on the whole record; or (6)
917 arbitrary or capricious or characterized by abuse of discretion or
918 clearly unwarranted exercise of discretion. If the court finds such
919 prejudice, it shall sustain the appeal and, if appropriate, may render a
920 judgment under subsection (h) of this section or remand the case for
921 further proceedings.

922 (h) If a particular representative policy board action is required by

923 law, the court, on sustaining the appeal, may render a judgment that
924 modifies the representative policy board decision, orders the
925 representative policy board action, or orders the representative policy
926 board to take such action as may be necessary to effect the particular
927 action.

928 [(h)] (i) In any case in which an aggrieved party claims that he
929 cannot pay the costs of an appeal under this section and will thereby
930 be deprived of a right to which he is entitled, he shall, within the time
931 permitted for filing the appeal, file with the clerk of the court to which
932 the appeal is to be taken an application for waiver of payment of such
933 fees, costs and necessary expenses, including the requirements of
934 bond, if any. The application shall conform to the requirements of
935 section 28A of the Practice Book. After such hearing as the court
936 determines is necessary, the court shall enter its judgment on the
937 application, which judgment shall contain a statement of the facts the
938 court has found, with its conclusions thereon. The filing of the
939 application for the waiver shall toll the time limits for the filing of an
940 appeal until such time as a judgment on such application is entered.

941 [(i)] (j) Neither the authority nor the representative policy board
942 shall be construed to be an agency within the scope of chapter 54 of the
943 general statutes.

944 Sec. 21. Section 12 of special act 78-24 is amended to read as follows
945 (*Effective from passage*):

946 Neither the members of the authority, [nor] any person acting in its
947 behalf nor any member or employee of the representative policy board,
948 while acting within the scope of their authority shall be subject to any
949 personal liabilities resulting from the erection, construction,
950 reconstruction, maintenance or operation of the properties or any of
951 the improvements of the authority or a subsidiary corporation or
952 resulting from carrying out any of the powers expressly given in
953 special act 77-98, as amended by [this act] special act 78-24, special act
954 84-46, special act 99-12 and this act.

955 Sec. 22. Section 22a-358 of the general statutes is repealed and the
956 following is substituted in lieu thereof (*Effective January 1, 2003*):

957 (a) Whenever any public water system has water reserves in excess
958 of those required to maintain an abundant supply of water to
959 inhabitants of its service area, such system may sell such excess water
960 to any other public water system upon approval of the Commissioner
961 of Public Health. Such approval shall be given only after (1) the
962 applicant has clearly established to the satisfaction of the
963 commissioner that such abundant supplies are in existence and will
964 continue to be in existence for [five] ten years, [or for such longer
965 period as the applicant seeks permission to sell excess water] and (2)
966 the purchasing community water system being supplied has agreed to
967 restrict water usage in the same manner as the applicant when
968 necessary in accordance with the emergency contingency provisions of
969 the applicant's water supply plan. The commissioner shall make such
970 determination on the basis of generally accepted engineering
971 principles and techniques. The commissioner shall make an
972 appropriate investigation in making such determination or [may] shall
973 have an investigation made by an independent person; in either event
974 the cost of such investigation shall be borne by the applicant.
975 Permission granted under this subsection shall be valid for such period
976 up to ten years as the commissioner shall approve, and may be
977 renewed in the same manner as an original application. "Public water
978 system" includes a corporation, company, municipality, political
979 subdivision, association, joint stock association, partnership or person,
980 or lessee thereof, owning, maintaining, operating, managing or
981 controlling any pond, lake, reservoir or distributing plant employed
982 for the purpose of supplying water for general domestic use in any
983 town, city or borough, or portion thereof, within this state. Permission
984 granted under this section shall be in addition to any approval or other
985 authorization which a public water system must by law receive from
986 the Department of Public Utility Control, and nothing in this section
987 shall be construed to impair the jurisdiction of the Department of
988 Public Utility Control.

989 (b) Any company, town, city, borough, corporation or person may
990 appeal from any decision of said commissioner issued under the
991 provisions of subsection (a) of this section to the superior court as
992 provided in section 4-183."